

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Dieter HOCHRAINER, et al.) Art Unit: 3771
Appln. No. : 10/669,576) Examiner: Clinton T. OSTRUP
Confirmation No. : 6795
Int. Filing Date : September 24, 2003
Title of Invention : DRY POWDER INHALER
Atty. Docket No. : 01-1401

VIA EFS Web
Commissioner for Patents
Alexandria, VA 22313-1450

Date: August 6, 2009

**CERTIFICATION STATEMENT, FEE AUTHORIZATION & TRANSMITTAL
LETTER FOR INFORMATION DISCLOSURE STATEMENT**

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

☐ **INFORMATION PREVIOUSLY CITED OR SUBMITTED**

U. S. Application No. _____ ("the parent application") is relied on by the above-identified application for an earlier effective filing date under 35 U.S.C. 120. The patents, publications, pending U. S. applications, or other information listed in the instant information disclosure statement were previously cited by the Office in the parent application or submitted to the Office in the parent application in an information disclosure statement that complied with 37 CFR 1.98(a)-(c). 37 CFR 1.98(d)

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

- ☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or
- ☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

International Search Report and Non-English Language References

☒ An English-language search report or equivalent paper from a foreign patent office is provided.

☐ A foreign-language search report or equivalent paper from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure
P = intervening document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
L = cited for another reason
& = publication of member of same patent family

☐ Translation of other relevant information on foreign search report:

In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Compounds of formula, "Beispiele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means Figures, "Anspruch" means Claim, "Zusammenfassung" means abstract/summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwahnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means paragraph, "abbildung" means figure, "Absendedatum" means date of dispatch, "Anmeldetag" means filing date, "Eintragungstag" means registration date, and Bekanntmachung im Patentblatt" means publication date in the official journal.

Respectfully submitted,

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